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C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 003333

SIPDIS

E.O. 12958: DECL: 12/22/2014

TAGS: [PREL](#) [NL](#) [TU](#) [CY](#) [EUN](#) [INRB](#)

SUBJECT: TURKEY ACCESSION/EU: THE MYSTERIOUS CASE OF THE MISSING DECLARATION

Classified By: Political Couns...

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2004-12-23

04THEHAGUE3333

Embassy The Hague

CONFIDENTIAL

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SUBJECT: TURKEY ACCESSION/EU: THE MYSTERIOUS CASE OF THE MISSING DECLARATION

Classified By: Political Counselor Andrew Schofer for reasons 1.4 (b) and (d).

[1](#)1. SUMMARY: (C) According to Dutch diplomat Pieter de Gooijer, the intense Dutch-led negotiations leading to the EU Council's invitation to Turkey for accession talks were one for the history books. In a recent conversation with DCM and Poloff, he provided the inside story of the last hours of the talks in Brussels, which he witnessed first hand. De Gooijer claimed three events were especially critical in bringing about a positive decision: President Chirac's seigniorial push to Cypriot President Papadopoulos; PM Blair fetching Turkish PM Erdogan back from his hotel before he could hold a fatal fatal press conference; and Dutch finessing of the Council Conclusions text that welcomed and quoted a Turkish declaration on the Ankara Agreement that never really existed. END SUMMARY

[1](#)2. (C) Pieter de Gooijer (MFA European Integration director and main working negotiator for the Presidency) related the inside story of the final Turkey accession negotiations to DCM and Poloff on the margins of a reception hosted by the DCM on December 20. De Gooijer was at the center of Council negotiations with PM Balkenende and FM Bot, starting Thursday, December 16. Looking back, de Gooijer said, PM Balkenende was still angry on the following Monday about how the Turkish delegation treated him last week and how Erdogan behaved after the fact back home. De Gooijer, a veteran of Turkish postings (as is FM Bot), said Balkenende had missed the back slapping and bear hugs that marked the elated reactions of Bulgaria, Croatia and Romania. I had to remind him, as I had done all during the negotiations themselves, that the Turks came to this like a negotiation for a rug in the bazaar. If things had run in a straight line, they would have suspected they could have gotten a better deal. By the same token, he added, bazaar psychology dictated that PM Erdogan appear dissatisfied with the result after the fact as well.

[1](#)3. (C) At the beginning on Thursday, December 16, De Gooijer said that the Netherlands Presidency delegation met the Turks around 4:30 pm, where the Dutch told them they had to do something on Cyprus. There was an immediate and negative Turkish reaction to signing anything, he recalled. With this in mind and while the heads of state were sequestered at dinner, de Gooijer said he proposed that Turkey could initial the protocol to the Ankara Agreement. Initialing is not as final as signing, he had postulated. It was a way for Turkey to acknowledge that this was where the Cyprus issue stood, that they could accept the text ad ref. Following this plan, the Dutch had circulated an Annex to the Council Conclusions paragraph 19 (which referred to Turkey's signing the protocol of Ankara Agreement) that acknowledged the initialing by the Commission and Turkey of the Protocol. (Council document SN 220/04). Difficult talks between the Balkenende, FM Bot, Erdogan and FM Gul ensued, with the Turks eventually

rejecting initialing as too much like signing. They never appreciated the subtle, negotiator's distinction between the two, de Gooijer said.

14. (C) The Annex was withdrawn on Friday morning, December 17. The Dutch fell back to a proposal that Turkey could make a declaration of intent to sign the Protocol prior to the actual start of accession negotiations. The Secretariat published this as a revision to Council Decision paragraph 19 (Council Document SN 208/04). They got Turkish approval of the concept in principal and then turned to sell it to Cyprus. De Gooijer recalled a small meeting among President Chirac, Chancellor Schroeder, PM Blair, Commission President Barroso, and PM Balkenende with President Papadopoulos; the full Council was meeting in a nearby room. Both PM Blair and Chancellor Schroeder had made clear their intent to leave Brussels around 1:30 pm, due to pressing business elsewhere in Europe. With time slipping away for a deal, Papadopoulos balked at a mere declaration. Finally, de Gooijer recalled, President Chirac said, Tassos, look. Tony, Gerhard and I all think this is a good solution. We have not much time. I know you will agree. Chirac reportedly then stood up and reached out for Papadopoulos, saying, Now let us go into the meeting. And with that, de Gooijer said, Chirac shepherded a slightly stunned Papadopoulos back to the Council meeting. That is how the EU works in the end, de Gooijer said, with the big countries ganging up on a small hold out.

15. (C) The Dutch still needed Turkey's formal acquiescence on the Declaration. De Gooijer said the Turks were quibbling over words down to individual letters in the Conclusions text. Worse, they refused to make the formal declaration as foreseen in the text of Paragraph 19, which welcomed it and supposedly quoted from it. By this time, Erdogan had apparently abandoned the negotiations and was heading back to the Conrad Hotel for an already scheduled 2 p.m. news conference. Balkenende called PM Blair, de Gooijer said, and asked him to help. Blair volunteered to get in his car and go after Erdogan; some time later, both men returned to the Council building for the final round.

16. (C) At this point, de Gooijer said he proposed that Erdogan, Balkenende, and Barroso sign the page from the newly issued draft Conclusions on which the revised Paragraph 19 stood, as a way of acknowledging agreement to its contents and intent. I just tore the page from my book and drew three lines at the bottom of it, de Gooijer recalled. Erdogan refused to sign, as did Gul. De Gooijer said that he then pointed out that someone from the political level would have to accept Paragraph 19 in such a way that the rest of the Council, especially Cyprus, would be satisfied that Turkey agreed to sign the Protocol before October 3. Finally, Erdogan instructed his State Secretary to sign on behalf of Turkey; State Secretary Arzo Nicolai signed for the Dutch, and Commissioner Rehn signed for the Commission; this paper was then copied and circulated to the Council, de Gooijer said. With this, the men returned to the Council, where representatives of the other three candidate states joined the 25 EU Member States for a final session and the traditional family photograph.

17. (C) As an addendum, a Council staffer who was note-taking for the final session told USEU PolOff that things still remained tense even after the agreement was reached. In the final formal Council session, the EU-25, at the request of Greece, had amended para 20 of the Conclusions (referring to resolution of border disputes) so that it referred to Member States (plural) vice Member State. When the four candidates joined the 25 for champagne toasts, after Romanian, Bulgarian and Croatian remarks about the historic decisions, Erdogan took the floor. He, too, noted the historic nature of the day, but then offered two substantive comments. First, he said Turkey understood para 20 to still be referring to one Member State in particular. And second, the GoT underlined that it did not view signing of the Protocol to the Ankara Agreement as recognition of Cyprus. (NOTE: USEU's source said Council discussion had already made clear the EU was not going to include such a point in the formal Conclusions, but the Dutch had agreed with the Turks that, if the topic came up, Balkenende in the closing press conference would note that the EU did not view the Protocol signing as being the same as recognition.). Cypriot President Papadopoulos responded to Erdogan that the Conclusions were already agreed among the EU-25 and could not be rewritten post-facto. Balkenende, who USEU's source described as growing visibly twitchy, stepped in to say that all could agree that today had seen a historic decision, and brought the discussion to a welcome close.

18. (C) As for Turkey's Declaration? It will forever be missing; historians will search in vain for a paper since there never was one, de Gooijer said with a grin. It was the intent that counted. Summing up, de Gooijer said, We all know what Turkey has to do, preferably sooner rather than later and certainly not as late as October 2 (the day before

negotiations are supposed to start). And if the Turks come in and quibble over the Declaration and their intent as reflected in Paragraph 19? The EU would not start negotiations, de Gooijer concluded.

19. (U) This cable was coordinated with USEU.  
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